

(Rev. 4/97)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

FILED  
CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2005 MAR -4 PM 4:22

JON MICHEAL WHITTEN  
(Enter above the full name of the plaintiff in this action)

V.

GOVERNOR RUTH ANN MINNER, <sup>②</sup> DONNA PRICE (RECORDS SPECIALIST H.R.Y.C.I.)  
ST. OF DELAWARE, <sup>④</sup> SUSSEX CORR. INST. (GEORGETOWN DE) <sup>⑦</sup>  
<sup>⑤</sup> ST. OF TEXAS, <sup>⑥</sup> HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE, GALVESTON COUNTY Jail,  
(Enter above the full name of the defendant(s) in this action)  
<sup>⑧</sup> RON MULLEN (STATE'S DETECTIVE) (WIM. DIST. ATTORNEY'S OFF.)  
WIM. ATTY. GENL'S OFF.

**I. Previous lawsuits**

A. Have you begun other lawsuits in state or federal courts dealing with the same facts involved in this action or otherwise relating to your imprisonment?  
YES [ ] NO [☒]

B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

**1. Parties to this previous lawsuit**

Plaintiffs \_\_\_\_\_  
\_\_\_\_\_

Defendants \_\_\_\_\_  
\_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county)

\_\_\_\_\_

3. Docket number \_\_\_\_\_

4. Name of judge to whom case was assigned \_\_\_\_\_

5. Disposition (for example: Was the case dismissed? Was it appealed?  
Is it still pending?)

\_\_\_\_\_

6. Approximate date of filing lawsuit \_\_\_\_\_

7. Approximate date of disposition \_\_\_\_\_

II. A. Is there a prisoner grievance procedure in this institution? Yes ☒ No ☐

B. Did you present the facts relating to your complaint in the state prisoner  
grievance procedure? Yes ☒ No ☐

C. If your answer is YES,

1. What steps did you take? I FILED A GRIEVANCE ON  
1-24-05. I FILED ANOTHER ONE ON 2-21-05

2. What was the result? NOTHING. I WENT TO THE LT.'S  
OFFICE FOR ANOTHER GRIEVANCE, AND HE SAID HE HASN'T SEEN IT  
YET.

D. If your answer is NO, explain why not \_\_\_\_\_

\_\_\_\_\_

E. If there is no prison grievance procedure in the institution, did you complain to  
prison authorities? Yes ☐ No ☐

F. If your answer is YES,

1. What steps did you take? \_\_\_\_\_

\_\_\_\_\_

2. What was the result? \_\_\_\_\_

\_\_\_\_\_

## III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff JON M. WHITTEN

Address SUSSEX CORRECTIONAL INSTITUTE P.O. BOX 500  
GEORGETOWN DE. 19947

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and place of employment of any additional defendants.)

B. Defendant <sup>①</sup>GOV. RUTH ANN MINNER is employed as GOVERNOR

OF STATE OF DELAWARE at DOVER, DE.

C. Additional Defendants <sup>②</sup>DONNA PRICE, <sup>③</sup>H.R. X.C.I. RECORDS DEPT.

<sup>④</sup>STATE OF DELAWARE, <sup>⑤</sup>STATE OF TEXAS, <sup>⑥</sup>HARRIS COUNTY

<sup>⑦</sup>DISTRICT ATTORNEY'S OFFICE, <sup>⑧</sup>GALVESTON COUNTY JAIL,

<sup>⑨</sup>SUSSEX CORRECTIONAL INSTITUTE, <sup>⑩</sup>RON MULLEN STATE'S  
DETECTIVE WILM ATTORNEY GENERALS OFFICE

## IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places.

Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph.

Use as much space as you need. Attach extra sheet if necessary.)

1) I AM BEING HELD ON A DETAINER FROM HARRIS COUNTY TX.  
I'VE HAD THE DETAINER DISMISSED TWICE BEFORE ON SOLID  
LEGAL GROUNDS. THE 1<sup>ST</sup> TIME ON 11-02-04 BY JUDGE LOPEZ  
IN J.P. COURT #20. THE SECOND TIME BY JUDGE MARILYN  
LETT'S ON 12-09-04. GOV. MINNER SIGNED A GOVERNOR'S  
WARRANT ANYWAY 8 DAYS AFTER IT WAS DISMISSED,  
KNOWING THAT IT WAS ALREADY DISMISSED AND WHY.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments.  
Cite no cases or statutes.)

I WOULD LIKE THE COURT TO AWARD me <sup>\$</sup>1,500 PER DAY  
FOR EVERY DAY I HAVE BEEN HELD UNDER DETAINER SINCE  
10-22-04, PLUS DAMAGES FOR EMOTIONAL AND MENTAL ANGUISH  
OF ANOTHER <sup>\$</sup>1,500 PER DAY, PLUS WHATEVER IT  
COST'S ME TO GET BACK HOME TO DE. FROM TEXAS,  
PLUS PUNITIVE DAMAGES AT THE COURT'S DISCRETION.

Signed this 16<sup>TH</sup> day of FEBRUARY, 2005

Jon Whitten  
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

02-16-05  
Date

Jon Whitten  
(Signature of Plaintiff)

2) I FILED FOR FINAL DISPOSITION OF ALL UNTRIED INDICTMENT'S, INFORMATION'S & COMPLAINT'S IN THE STATE OF TEXAS UNDER THE INTERSTATE AGREEMENT ON Detainers ON 5-17-02 WITH DONNA PRICE AT THE FORMER GANDER HILL RECORD'S DEPT. SHE FAXED IT TO GALVESTON COUNTY BUT NOT HARRIS COUNTY. UNDER THE AGREEMENT, SHE WAS REQUIRED TO NOTIFY ALL OF THE COUNTIES & JURISDICTIONS WITHIN THE STATE OF MY REQUEST FOR FINAL DISPOSITION OF ALL CHARGES IN THE STATE WITHIN 180 DAYS OF RECEIVING NOTIFICATION. DONNA PRICE FAILED TO DO SO.

3) THE STATE OF DELAWARE WAS DONNA PRICE' employer & HAS CONTROL OVER THE PRISON & IT'S RECORD'S DEPT., AND ALL EMPLOYEES.

4) I WAS EXTRADITED TO GALVESTON TEXAS UNDER THE INTERSTATE AGREEMENT ON Detainer'S ON 10-06-02. I WENT TO COURT 10-17-02 AND TOOK A PLEA TO A 1 YEAR COUNTY SENTENCE WITH CREDIT FOR 1 YEAR TIME SERVED. I TOLD THE GUARD'S AT THE GALVESTON COUNTY JAIL THAT I STILL HAD ONE CHARGE IN HARRIS COUNTY. I WOULD HAVE BEEN GIVEN ANOTHER CONCURRENT SENTENCE AND BEEN DONE WITH IT, BUT THEY

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COULDN'T FIND THE CHARGE IN THE COMPUTER. ONCE I WAS IN GALVESTON COUNTY'S CUSTODY, THEY WERE REQUIRED ALSO TO NOTIFY ALL OF THE OTHER COUNTIES WITHIN THE STATE. THEY FAILED TO DO SO ALSO.

SO I WAS RELEASED 10-17-02 FROM THE GALVESTON COUNTY JAIL.

5) THE STATE OF TEXAS WAS RESPONSIBLE FOR THE GALVESTON COUNTY JAIL AND ITS EMPLOYEES.

6) I CAME BACK HOME TO DE. AND BEGAN MY PROBATION, AND NOTHING CAME UP ABOUT TEXAS, SO I THOUGHT IT WAS DISMISSED.

7) I VIOLATED MY PROBATION 7-30-04 AND WAS GIVEN A 90 DAY SENTENCE. I WAS DUE TO BE RELEASED 10-22-04 BUT I WAS TOLD ON 10-18-04 I HAD A DETAINER IN HARRIS COUNTY. I TOLD THE SERGEANT & C.O. DIAL AT H.R.Y.C.I. THAT I ALREADY HAD BEEN EXTRADITED AND THE CHARGE HAD TO BE DISMISSED.

I WROTE RECORDS AND HAD MY FAMILY CALL, BUT WARDEN RAPHAEL WILLIAM'S WROTE ME AND SAID MY FAMILY COULD NOT CONTACT RECORDS ANY MORE. I WAS TAKEN TO VIDEO COURT #20 BEFORE JUDGE MARILYN LETT'S ON 10-31-04.



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I TOLD HER WHAT WAS GOING ON BUT THEY DON'T HAVE PUBLIC DEFENDER'S AT VIDEO COURT SO IT WAS POSTPONED. I WENT BACK TO VIDEO COURT #20 BEFORE JUDGE LOPEZ ON 11-02-04 AND HE HAD THE C.O. FAX HIM MY PAPERWORK. HE DISMISSED THE CASE. HARRIS COUNTY IMMEDIATELY ISSUED ANOTHER DETAINER SO I WAS GIVEN A MANDATORY COURT APPEARANCE ON 11-08-04 AND PART OF MY BAIL CONDITIONS WAS I MUST BE ABLE TO SPEAK TO AN ATTORNEY.

I WENT TO COURT #20 AND I WAS ASSIGNED MICHAEL TUCKER AS MY COUNSEL AND JUDGE LINDA GRAY HEARD THE CASE PRESENTED BY RON MULLIN THE STATE'S DETECTIVE FOR THE ATTORNEY GENERAL'S OFFICE. MR. TUCKER GAVE JUDGE GRAY ~~THE~~ MY PAPERWORK AND SHE AGREED WITH ME AND GAVE ME AN UNSECURED BOND WITH A DEC. 9TH '04 EXTRADITION HEARING.

I WAS RELEASED NOV 10TH '04 AND I VIOLATED MY PROBATION AGAIN AND WAS SENT TO THE V.O.P. CENTER IN GEORGETOWN ON 11-25-04

I WENT TO MY EXTRADITION HEARING ON 12-09-04 IN FRONT OF JUDGE MARILYN LETT'S AGAIN AND SHE DISMISSED

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THE CASE AGAIN. I WENT TO COURT FOR MY VIOLATION AND GOT 90 DAYS AND WAS DUE TO BE RELEASED 02-14-05. ON THAT MORNING I WAS TAKEN TO J.P. COURT #3 BEFORE JUDGE BRITTINGHAM AND THERE WAS A MAN THERE FROM THE GOVERNOR'S OFFICE WITH A GOVERNOR'S WARRANT. I TRIED TO EXPLAIN THE CASE WAS DISMISSED BUT THERE WAS NO ATTORNEY THERE FOR ME SO I WAS ORDERED HELD WITHOUT BOND UNTIL MARCH 04-05 TO GIVE TEXAS 14 BUSINESS DAYS TO EXTRADITE ME. WHILE WE WERE IN THE LOBBY WAITING FOR MY COMMITMENT PAPER'S THE JUDGE CAME BACK OUT AND TOLD THE MAN FROM THE GOV.'S OFFICE THAT THE CASE WAS DISMISSED DEC. 09TH AND THE WARRANT WAS NEVER SIGNED UNTIL DEC. 17TH. THE MAN ~~SAID~~ SAID IT DIDN'T MATTER, THAT TEXAS WANTED ME AND THAT WAS THAT.

I HAVE BEEN TRYING TO GET TO THE LAW LIBRARY TO FILE A WRIT OF HABEUS CORPUS BUT THEY AREN'T TAKING ME HERE AT SUSSEX CORRECTIONAL INSTITUTE. I FILED A GRIEVANCE AND HAD C.O. CHRISTENSEN SIGN A COPY OF IT VERIFYING I



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FILED IT ON 01-24-05. THEY HAVEN'T RESPONDED TO IT, BUT HAVE TAKEN ME TO 2 OTHER HEARINGS FOR DIFFERENT MATTERS FILED AFTER 01-24-05.

I ASKED C.O. CHRISTENSEN IF HE WOULD SIGN ANOTHER ONE BUT HE SAID HE GOT INTO TROUBLE FOR SIGNING THE LAST ONE, BUT HE SAID HE WOULD TESTIFY FOR ME THAT IT WAS FILED AND HE ALSO KNOWS MY SITUATION WITH THE DETAINER.

8) I KNOW I CAN'T GIVE SPECIFIC LAWS, BUT I WILL SAY THAT I HAVE VERY SOLID LEGAL GROUNDS FOR THE DISMISSAL OF MY CASE. EVERY JUDGE (4) I SAW AT COURT #20 AGREED WITH ME. I BELIEVE THAT IS WHY IT WAS SWITCHED TO J.P. COURT #3, ALSO THERE ARE NO PUBLIC DEFENDERS THERE. I FEEL I HAVE BEEN DENIED COUNSEL, MY CIVIL RIGHTS HAVE BEEN VIOLATED SEVERAL TIMES. AND I AM BEING ILLEGALLY DETAINED AT S.C.I.

I DON'T KNOW ANYTHING ABOUT THE LAW, I JUST RESEARCHED THIS BECAUSE IT PERTAINS TO ME.

I AM RESPECTFULLY ASKING THAT THIS MATTER BE BROUGHT TO COURT AND I BE ASSIGNED

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Counsel. I KNOW I DON'T STAND A CHANCE AGAINST THE STATE'S ATTORNEY'S, AND IT WILL COME DOWN TO THE DEFENDANT'S BLAMING EACH OTHER FOR THIS ERROR. I NEED AN ATTORNEY AND THE COURT TO HELP ME DETERMINE WHO & HOW MANY OF THE DEFENDANT'S ARE RESPONSIBLE AND WHAT IF ANY MONETARY DAMAGES ARE AWARDED TO ME. I HAVE COPIES OF EVERYTHING I NEED TO SUBSTANTIATE WHAT I'VE SAID HERE WITH ME AND AT HOME. I CAN SEND COPIES OF EVERYTHING OR HAVE MY FAMILY FAX THEM IF IT WILL HELP THE COURT. IF THE COURT WILL START PROCESSING MY CLAIM I WILL PAY THE \$150.00 FILING FEE IF I'M RELEASED OR OUT OF ANY AWARD'S I MIGHT RECEIVE. THANK YOU FOR YOUR CONSIDERATION.

Respectfully,

*Jim R. Smith*

P.S. I CONTACTED THE A.C.L.U. AND THEY WROTE ME BACK AND SAID THEY CAN'T REPRESENT ME BUT THEY GAVE ME A LITTLE HELPFUL INFORMATION TO GET THINGS STARTED. ALSO, IT SAYS ON <sup>over</sup>

THE 1983 FORM THAT I NEED TO  
SEND A USM 285 FORM ALSO, BUT  
I CAN'T GET TO THE LAW LIBRARY  
TO GET ONE. I GOT THE 1983  
FORM FROM ANOTHER INMATE. IF  
I NEED TO FILE THIS FORM COULD  
THE COURT PLEASE MAIL ME ONE.  
I DON'T WANT TO HAVE THIS  
DISMISSED OVER ANY MISTAKE'S I MAY  
HAVE MADE.

THANK YOU  
Jon Murrell